

Law Enforcement News

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Rounding up 'mules':

Drug-courier profile at issue in Georgia

Throughout modern policing, officers have used detailed lists of physical and character traits in attempts to match wanted suspects with actual perpetrators. But when the list is broad, non-specific as to a particular offender and, it has been charged, even racist, is it still a legitimate law enforcement tool?

That's the question being posed by Atlanta defense attorney Don Samuel, who has charged that the Georgia State Patrol is using a drug courier profile as the basis for pulling over Interstate-highway drivers who might display characteristics matching those listed in the controversial guidelines.

The profile, developed in 1985 by the Drug Enforcement Administration, is part of a program called Operation Pipeline, which teaches troopers nationwide tips and traits that will help them recognize and arrest narcotics couriers. The program has reportedly led to the seizure of some 6,000 pounds of cocaine a year, but the profile has been criticized as being discriminatory.

"While it may be true that criminals fall into specific categories, to use that presumption as part of a dragnet is unfair to people who are not criminals," said Colleen O'Connor, a spokeswoman for the American Civil Liberties Union, which has been active in challenging use of the profile.

The drug-courier profile, whose very existence had previously been denied by the State Patrol, is an 18-page outline that serves as a key component of a police training course in drug interdiction. The title of the class is "mule hunting," said Samuel, who asserts that the profile was being used to stop and search motorists largely on the basis of their skin color and the type of car they drove.

Private 'Sting'

Samuel subpoenaed and obtained a copy of the guidelines when he brought suit against the State Patrol for violating the civil rights of two Hispanic private investigators he had hired to test how the agency was using the profile.

The two detectives traveled north on Interstate 75 at a lawful speed in two cars, a Chevrolet with Fulton County, Ga., license plates and a Cadillac Fleetwood with plates from a Miami rental

agency. Only the driver of the Cadillac, Alfredo Lopez, was stopped by Trooper V. W. Keller. Lopez was wearing a hidden microphone that recorded the ensuing conversation.

Keller told Lopez he had been driving below the speed limit, "which on this part of the Interstate is real rare." In addition, he told Lopez, the car had plates registered to another car, a common occurrence among rental agencies.

The trooper asked Lopez if he could take a look in the trunk "and make sure there's not another tag in there." When Lopez refused, he was cited for driving with improper tags and told to follow the trooper to the sheriff's office to post bail.

Clean As a Whistle

The two detectives were met there by a police dog who nosed around the Cadillac and barked, giving a signal to the troopers that drugs were in the car. When the trunk was opened, however,

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To their mutual benefit:

FDLE enlists first auxiliary agents

As security director for a furniture manufacturing firm in southern Florida, Mark Wood is able to save his company large sums of money that might be lost each year in white-collar crime schemes. However, that on-the-job satisfaction pales next to the satisfaction he used to derive as a police officer who earned his living by serving and improving his community.

To make up the difference, Wood and some 16 other Dade County businessmen and women, some with law-enforcement backgrounds, have joined the Florida Department of Law Enforcement (FDLE) as part-time, auxiliary special agents. The new agents, who graduated from a 160-hour training course Dec. 4, represent nine different fields, including accounting, law, computers, banking and education.

"They will be doing the same things our regular agents will be doing," said Joyce Dawley, auxiliary special-agent coordinator. "We concentrate mostly on long term, criminal investigation — dismantling major organizations in the South Florida community," she told Law Enforcement News.

Although statistics released in early December show a 52 percent increase in traffic fatalities on those Interstate highways where the speed limit has been raised to 65 miles per hour, a measure passed late last month by Congress will allow 20 states to expand the application of the higher speed limit to other, non-Interstate roads.

The measure, which was quietly attached to a \$600-billion spending bill, infuriated several Congressmen who link the higher speed limit to a potential increase in traffic fatalities.

"I am outraged," said Representative James J. Howard, a New Jersey Democrat who is chairman of the House Public Works and Transportation Committee. Citing the traffic-death figures released by the National Highway Traffic Safety Administration, Howard said "that surely is an indication of the effect of the higher speed limit. It is irresponsible, life-threatening legislation."

The speed-limit measure, which traveled a circuitous route through the legislative process, creates a four-year experiment that will allow a 10 m.p.h. increase on divided rural highways which, although not part of the Interstate system, are built to the same safety standards. These roads are mainly turnpikes and parkways that charge tolls.

The first 20 states to apply will be allowed to raise their speed limits. So far, California, Florida, Illinois, Kansas, Iowa, Kentucky and Oklahoma have applied and been accepted.

"We were the first state to raise the speed limit on parkways," said Mary Fingland, press secretary for Senator Mitch McConnell, the Kentucky Republican who proposed the measure.

Fingland challenged the assumptions tied to the Federal report of increased highway fatalities, saying that the report was inconclusive.

While many opponents of the

measure said they would have fought against it, it was a case of "too much happening at once," said an aide for Representative Howard.

According to that aide, the provision, as it appeared on the Senate spending bill, would have allowed all states to raise their speed limits. The House bill, meanwhile, did not address the issue at all. The proposal was then assigned to a Senate-House conference subcommittee for resolution.

It was blocked at that level, however, by Representative William Lehman, a Florida Democrat who opposes the higher speed limit.

Passed on to a full conference committee dealing with the budget, the panel came up with the compromise solution of limiting to 20 the number of states that can raise speed limits and limiting the duration to a four-year experiment. Safety experts, however, fear that the ex-

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Most of the instruction was provided by FDLE agents.

In recruiting individuals for the auxiliary program, Dawley pointed out, the FDLE targeted those in certain professions, such as accounting, banking and the consumer credit industry. FDLE advertised the program in local newspapers, inviting would-be applicants to an open house.

"We received about 140 applicants for 20 positions," she said. "Some fell by the way, they changed their minds. We put about 40 into background and of those 40 we chose 20. Seventeen graduated."

One of those graduates, Wood, said he joined the program for reasons that were largely altruistic. "When I was with the police department," he said, "I felt very personally fulfilled that I was was doing work for the community as well as earning my living. Now that I'm in the private sector, I save money for the corporation but I don't get much out of helping the community."

When he heard about the auxiliary program, Wood said, he wanted to get involved because of

his previous law enforcement experience and his expertise in credit card fraud.

"I get a little bit more self worth out of giving something back to the community," he told LEN. "Tied in with that, I hope to assist in investigations. In the private sector, I've seen a lot of white-collar crime that is so complicated that traditional law enforcement kind of shies away from it."

Participants are required to give FDLE only eight hours a month of their time, but Dawley said most have given the agency some 16 hours a week. "That's on top of working a 40- or 50-hour week at their regular job," she said. "They are bringing expertise to us, not that we don't have but that we have limited resources in. Especially the accounting and the law field."

In return, said Dawley, the part-time agents gain from their association with a highly respected law-enforcement agency. "Plus, we are affording them the opportunity for training and other stuff that we're entitled to as regular agents. We are expanding their expertise."

Around the Nation

Northeast

DELAWARE — Citing a rising number of rapes, the state's only statewide rape crisis center has asked legislators for an \$84,000 grant in 1988 to continue and expand victim support programs. The 1987 grant was \$16,000.

MARYLAND — A study has shown that police in Howard County spend 16 to 20 percent of their time responding to false burglar alarms at homes. The county is said to be considering a requirement that alarm companies screen calls.

NEW YORK — A woman convicted in a 1981 armored-car robbery in which two police officers were killed has been transferred from the state prison for women in Westchester County to a Federal prison in Tucson. Judith Clark, a former member of the radical Weather Underground, is said to be an escape risk, particularly with construction work due to begin on the New York prison's perimeter.

New York City Transit Police breathed a sigh of relief late last month when they learned that the Christmas Day burglary at police headquarters was the work of an admitted crack addict who was looking for marketable items to support his habit. Officials had been worried that the intruder who rifled the offices of Acting Chief Vincent Del Castillo and other top police officials might have been looking for sensitive documents relating to the department's false-arrest scandal. The suspect, who turned himself in three days after the burglary, stole two service revolvers and ammunition, a bulletproof vest and some non-police items. The weapons were recovered. The speculation of an inside job was fueled by the fact that, during the break-in, file cabinets, lockers and desks were rifled while valuables such as a TV set and computer equipment were ignored.

Sparked by the case of a Long Island girl who was convicted of having her father killed after he had allegedly sexually abused her for years, New York City last month set up a special telephone hot line for young incest victims to seek help anonymously. Callers

to the Incest Helpline can reach trained counselors who can direct the caller to sources of help.

PENNSYLVANIA — The Pittsburgh Police Department has joined the ranks of agencies whose officers are ordered to make arrests or seek warrants in all cases of domestic violence. Police Chief Ralph Pampena issued the order in mid-November, about a month after a woman who said she was threatened by her boyfriend was shot by him two days later. The new directive applies to all cases of domestic violence in which the victim is shown to have been physically abused. The chief said arrests will be made whether or not the victim presses charges.

Southeast

ALABAMA — Birmingham police officer Richard Miller has been cleared in the Dec. 3 shooting death of 76-year-old Eddie Solomon. Miller told reporters he has no regrets about the incident in light of his assailant's age. When someone's trying to kill you, he noted, "I wouldn't care if he's 250 years old or 13."

ARKANSAS — State Police last month seized a state record 319 pounds of cocaine, valued at \$42 million. A 43-year-old Texas man was charged with possession of cocaine with intent to deliver.

FLORIDA — Nineteen Miami police officers who are suspended with pay for suspicion of corruption are costing the city a reported \$2,457.52 per day for salaries. As many as 40 officers are said to face suspension in the continuing drug-corruption probe.

The Florida Highway Patrol graduated 33 new troopers from its training academy on Dec. 18. Following graduation, the rookie troopers moved on to two months of field training at their new posts.

Federal authorities in Miami say they have broken a drug-smuggling ring that had operated for at least 10 years in Florida and Louisiana, trafficking in a half-million pounds of marijuana. The indictment charges that the ring bribed police officers to protect their operation and at one time used Miami police officers to collect, count and disburse drug profits. No Miami police officers were named in the indictment, but, said Federal prosecutor Richard Gregorie, "the investigation is still continuing."

TENNESSEE — Thirty-three recruits of the state Highway Patrol, including three members of minority groups, graduated

last month from the Tennessee Law Enforcement Training Academy, bringing the Highway Patrol's uniformed strength to 557 troopers.

Midwest

ILLINOIS — Cook County Sheriff James E. O'Grady said last month that he is "seriously considering" a race for Mayor of Chicago in 1989 "for the good of the city." O'Grady said he will reserve final decision on a mayoral run until late spring. He said several factors will influence his decision, including his ability to raise the \$2 million needed to fund a credible race.

INDIANA — In the wake of last year's death of Michael Taylor, 16, who died of a self-inflicted gunshot wound while handcuffed in a squad car, Indianapolis police will now carry hand-held metal detectors in their cars.

Warsaw Police Chief Ted Ward last month pleaded guilty to illegally passing a school bus and was fined \$50 plus court costs. The chief said he didn't recall the violation, but respects the woman who reported him.

MICHIGAN — The state's prison guards' union has called for the establishment of the death penalty for inmates who kill correctional officers. The head of the union, who made the demand after the second 1987 slaying of a guard, said that longer prison sentences offer little punishment for violent inmates.

Two top officers of the Detroit Police Department's narcotics unit were promoted Dec. 22. Insp. Joel Gilliam, who has headed the drug unit for the past three years, was promoted to commander, while Lieut. Rudy Thomas, the supervisor of the unit's street corner enforcement teams, was promoted to inspector. The narcotics section, soon to be made a division, was recently increased by 46 officers to aid in raiding at least 12 drug dens a day throughout the city.

WEST VIRGINIA — A plan by officials in Kanawha County to save money by buying low-octane gasoline for sheriff's department patrol cars backfired when two cars were found to need hundreds of dollars in engine repairs. The high-performance cars can only run on high-octane fuel.

WISCONSIN — Rock County Sheriff F. Joseph Black wants inmates at his jail to take a test for AIDS if he suspects they're infected with the fatal, incurable disease. Workers and inmates at the jail are said to be increasingly concerned about infection after learning that an inmate died recently from an AIDS-related illness.

Plains States

KANSAS — Chester A. Hall is the new Police Chief of Shawnee. He had been serving as deputy chief.

MISSOURI — Glennon Sweet, 32, was convicted Dec. 12 of murdering state trooper Russel Harper. The judge postponed a decision on the jury's recommendation of the death penalty for Sweet.

Under a bill filed for consideration by the 1988 Legislature, judges could order people found guilty of drunken driving to install breath analyzer devices in their cars. The devices, which would be connected to the ignition, would prevent the car from starting if the driver is legally drunk.

Cecil H. Livesay, the 53-year-old former police chief of Glendale, a St. Louis suburb, was sentenced last month to five years' probation and a \$24,000 fine for his part in what authorities described as a \$1-million sports bookmaking operation. The former chief pleaded guilty to gambling and tax evasion charges last Oct. 26.

MONTANA — Butte residents, armed with a 46-page position paper, met with FBI Director William Sessions last month and urged him to keep the office of the FBI's Montana-Idaho division in the town. Sessions, who was visiting Butte, will recommend next year whether to move the office to a larger city.

Test results last month revealed the first inmate at a state prison to have the AIDS virus.

NEBRASKA — Alliance Police Chief Thomas D. Lowther will resign Feb. 1 to become police chief in Forest Grove, Ore.

Southwest

ARIZONA — Citing a lack of Federal prosecutions, Justice Ray Austin of the Navajo Nation Supreme Court has called on Congress to let Indian courts prosecute non-Indians for crimes committed on reservations.

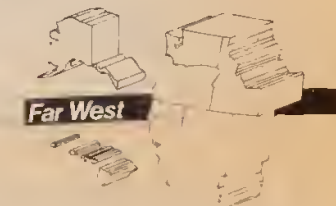
TEXAS — The Houston Police Officers Association has proposed that officers vote to decide whether it or the Houston Police Patrolmen's Union should represent the officers in labor negotia-

tions. The HPOA has about 3,000 members, the HPPU about 2,300.

The Combined Law Enforcement Association of Texas has hired a lawyer to help police in Fort Worth with disciplinary appeals because of a 58-percent increase in suspensions and dismissals. During the year ending last Sept. 30, Police Chief Thomas Windham suspended 33 officers and fired 5.

The Dallas City Council has begun consideration of a broad range of Police Department reforms proposed by two independent studies. The management reports urged the hiring and promotion of more minorities, improved methods for screening out problem officers, and training officers in ways to reduce the use of deadly force, among other reforms.

UTAH — Davis County will install a 911 emergency telephone system, after the Public Service Commission approved a 50-cent-a-month charge from users to fund the system. Officials hope to have the system operational early this year.



CALIFORNIA — Starting this month, the city of San Jose will bill drunken-driving suspects for police time and manpower connected with their arrests, even if they are not found guilty. The action represents a broad reading of a two-year old state law that makes people who drive under the influence of alcohol or drugs liable for the costs of any incident that results in an "emergency response." Most localities that have put the law into effect have interpreted it to mean that they may collect for costs incurred by emergency response to drunken-driving accidents. The San Jose approach, under which the city expects to bill \$800,000 in expenses in 1988, is said to face an almost certain legal challenge as to whether such an assessment constitutes an illegal fine.

OREGON — The U.S. Drug Enforcement Administration has announced plans to open an office in Medford with two to five agents, in order to fight drug traffic in southern Oregon. The primary targets are said to be amphetamines and marijuana.

WASHINGTON — Retirement has proven to be a pot of gold for former Yakima Police Chief H. J. LaRue, 61, who recently won a \$3.14-million state lottery jackpot. The former top cop will receive 20 annual checks of about \$125,000 after taxes.

Coming up in LEN:

A special interview with criminal justice policy expert Dr. Mark Moore of Harvard University.

Little anti-drug progress noted

Despite enactment of a \$1.7-billion anti-drug law and other attempts by the Reagan Administration to curb drug use and trafficking, the President's top experts on drug enforcement and narcotics abuse told Congress last month that little progress has been made in the war on drugs.

"Anytime you have 1 out of 10 Americans using or abusing drugs, you have a problem that won't be solved overnight," said Frank Keating, acting chairman of the Drug Law Enforcement Coordinating Group of the National Drug Policy Board.

Keating, along with seven other senior Administration officials, including John C. Lawn, head of the Drug Enforcement Administration, testified for several hours before the House Select Committee on Narcotics Abuse and Control.

Despite improvements in drug enforcement sparked by the Anti-Drug Abuse Act of 1986, the officials said, thousands of tons of marijuana, cocaine and heroin are smuggled into the country each year. There has been little success, they acknowledged, in reducing the national demand for opiates, hallucinogens and other illegal substances among the estimated 23 million Americans who are believed to be routine

users.

The House committee convened the hearing to examine both the Administration's strategy for combatting drug abuse and the effectiveness of the Anti-Drug Abuse Act. The law, aimed at enhancing drug enforcement on the local, state and Federal levels, year, also widens drug treatment and education programs. It also provides stiffer penalties for Federal drug offenses.

Drug interdiction, Keating contended, is more successful now than ever before. "We're seizing more than we ever have, and we're getting a larger and larger percentage of what we think is coming into the United States," he said.

Committee members, however, charged that increases in drug-enforcement agents and school drug-prevention programs have done little to diminish the sale of illicit drugs on the street. "We have more drugs on our streets than we have ever had before," said New York Democrat Charles Rangel, the committee's chairman.

The problem, he said was particularly acute in New York City where there are an estimated 200,000 to 250,000 heroin addicts and possibly millions of cocaine users.

According to Mark Dion, Depu-

ty Assistant Secretary in the State Department's bureau of international narcotics matters, about one-third of the 300,000 metric tons of refined cocaine cultivated and processed in Latin America finds its way into this country.

Moreover, Dion estimated that some six to eight tons of heroin were imported into this country, mostly from Asia, along with 9,000 to 10,000 metric tons of marijuana, most of which is grown in Latin America. Marijuana, however, is fast becoming a domestic crop of superior quality, officials said.

"More and more drugs are coming across our shorlines, said Representative Benjamin A. Gilman (R-N.Y.). "We're not doing the job, it's obvious."

Gilman charged that many drug-abuse prevention programs have been sabotaged by Administration-lacked budget cuts. "We have yet to develop the kind of national strategy that really makes a dent in this problem," he said.

But Dr. Donald Ian MacDonald, the White House adviser on drug abuse policy, suggested that the drug crisis may have peaked. "It's our belief that we're turning the corner," he told the committee. "I'm not saying we've won the war."

San Jose police computers can't find serial rapist, but old-style police work does

The San Jose Police Department may be the most highly computerized agency in the country, but it still took old-fashioned police work to capture a man suspected of being the "ski-mask rapist," a serial attacker who has eluded police for the past three years.

George Anthony Sanchez, a 26-year-old maintenance worker for the city's Department of Neighborhood Preservation, was arrested last month on suspicion of having raped at least 30 women in eight cities throughout the Santa Clara Valley.

"We're the most heavily computerized police department in America," Sgt. Dwight Messimer told the Associated Press before the case was solved. "Our entire crime analysis is done by computer. It's constantly updated. They've tried every form of linking they can and they haven't come up with anything."

The rapist, who was ultimately captured through investigative methods the police would not disclose, generally brandished a gun and wore a dark blue ski mask with red trim. He reportedly attacked women on high school campuses, in churches and in their homes.

Although the department's crime-analysis computers had been fed three years worth of data on the rapes, and investigators even compiled a psychological profile of the attacker, the investigation was thwarted by a lack of fingerprints or vehicles to trace. Only one victim caught a glimpse of her attacker and described him to be a young Hispanic with a mustache.

"He's clever and plans meticulously and he doesn't leave evidence behind," observed Diana Keller, legal coordinator for the Valley Rape Crisis Center.

Police and others believed him to be a "power rapist," someone who picks his victims out ahead of

time and tracks them for hours, days or even weeks. The majority of the victims have been blonde, professional women in their 30's.

The rapist usually entered through an unlocked window or door and said little to his victims, police said.

"He's never broken in," Sergeant Messimer said. "If women would follow a simple rule to lock their doors and windows, this guy probably wouldn't be a problem to them."

San Jose police officials and Santa Clara County District Attorney Al Nudelman declined to discuss the case, citing a torrent of highly critical coverage that the case had generated in local news media. A police spokesman would only say that somehow Sanchez had not been on the computer.

Median term for murder equals 6.5 years

The median term for those released after serving time for murder in 1984 was six and a half years, according to a report released Dec. 30 by the Bureau of Justice Statistics.

The statistics, derived from the National Corrections Reporting Program, showed that the average offender in 33 states had served 17 months in confinement prior to release, including pretrial jail time.

"Most offenders released from prison [in 1984] had served a little less than one-half of their court-ordered maximum sentences," observed BJS director Steven R. Schlesinger.

The report said violent offenders who had previously been incarcerated served an average of six months longer than those without prior jail time.

Justice in black and white:

3 guilty in NY hate-crime case

One year and a day after a young black man was chased to his death on a highway by a mob of white teenagers in Howard Beach, N.Y., the jury hearing the controversial case returned a verdict convicting three of the youths of manslaughter and assault and acquitting a fourth of all charges stemming from the incident.

The verdict in the hate-crime case was rendered on Dec. 21 after 12 agonizingly long days of waiting for the defendants and the city's black community. But while many had hoped that the convictions, which carry lengthy sentences, would quell the racial tension that has gripped the city since the incident occurred in 1986, for some the verdict appears only to have furthered the polarization.

On the day of the verdict, hundreds of black demonstrators protesting what they claim to be

racist practices in the criminal justice system engaged in an illegal protest that strategically severed bridge and subway links to Manhattan, delaying an estimated 725,000 homeward-bound commuters and holiday shoppers.

Defying a court order, demonstrators staged what was viewed as one of the most disruptive protests in years. Marchers blocked outbound traffic on the Brooklyn Bridge and halted service on eight heavily traveled subway lines, in some cases by sitting down on the tracks. One black attorney who led the protest called it "a beginning of a civil-rights movement in the City of New York."

But while many blacks were outraged by the jury's decision to acquit the defendants of second-degree murder, city officials, led by Mayor Edward I. Koch, called

the verdict "fair and reasonable." Said Manhattan Borough President David N. Dinkins, who is black: "I think it is significant that there were three convictions for a degree of homicide."

Jon Lester and Scott Kern, both 18, were convicted of second-degree manslaughter, first-degree assault and conspiracy in the fifth degree. The manslaughter and assault charges are each punishable by 5 to 15 years in prison.

Jason Ladone, 17, was found guilty of both manslaughter and assault but acquitted on the conspiracy charge and other counts. Michael Pirone, 18, was acquitted on all charges.

Sentencing was scheduled for Jan. 25, and Mayor Koch called for the harshest possible sentences in the case. Both Ladone and Kern have been allowed to remain free until then on the bail they posted upon arraignment — \$150,000 for Kern and \$50,000 for Ladone.

Lester, who is currently serving a one-to-three year sentence for a conviction on an unrelated gun-possession charge, will remain in custody as he has throughout the trial.

One juror, Chester Li, said the panel arrived at a verdict of manslaughter rather than murder because it believed Michael Griffith's death was caused by fear from the attack and chase. "There

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New liability program launched

The Police Management Association has joined with Morefar Marketing Inc. to launch a 26-state program of low-cost group liability insurance.

The Law Enforcement Professional Liability Insurance Purchasing Group (LEPLIPG) will offer coverage to qualified law enforcement agencies operating in non-major metropolitan areas.

There are no fees for membership in the purchasing group, but the law enforcement agency must become a member of LEPLIPG to purchase the coverage as prescribed by Federal law.

[For more information, write: LEPLIPG, c/o Morefar Marketing Inc., 100 Presidential Blvd., Bala Cynwyd, PA 19004-1247.]

House-swapping holidays through 50-nation IPA

Are you a war-weary cop looking for a first-rate vacation on a Civil Service salary? Are you tired of getting little more from your membership in professional associations than a dues card and a magazine?

If so, you may be just the kind of individual the International Police Association (IPA) is looking for.

For a \$5 enrollment fee and \$10 in annual dues, IPA makes it possible for its 250,000 members worldwide to travel reasonably among 50 countries with chapters.

Under the auspices of the organization, officers are able to exchange homes and vacations with those in other states or even other countries. In addition, members often open their homes, free of charge, to other members.

In one instance, a London police inspector, looking for an American holiday in 1989, ran an advertisement in a regional IPA newsletter offering to exchange homes with any San Francisco-area officer seeking a vacation in England.

Membership in IPA is available to any active or retired police officer as well as any "associate" with five years of police service. The non-political IPA, which one observer described as "an organization with little if any controversy," exists to "encourage, stimulate and assist in social, cultural and friendly relationships" among law enforcement personnel.

[For more information, contact the International Police Association at 1840 Albert Street, Springfield, IL 62702.]

People and Places

A picture is worth...

Leave it to the police of an island paradise to come up with a drunken driving campaign which is as effective as it is highly visual.

Last month, Lieut. Francis K. Kamakawiwoole of the Honolulu Police Department was presented with the Distinguished Service Award from the National Commission Against Drunken Driving for a program he devised last year that used wrecked automobiles as conspicuous reminders to motorists.

Calling the campaign "Live and Let Live," police towed cars damaged in accidents — not necessarily fatal ones — to spots alongside highways where they could not be missed by passing motorists.

"We put the 'Live and Let Live' signs on them and left them there for two weeks, praying that we would not experience any traffic fatalities. And we didn't," the lieutenant said.

As another component of the program, officers visited schools and met with various organizations to discuss the dangers of drunken driving. "We had school children drawing posters against drunken driving and that sort of thing," Kamakawiwoole said.

The department also staged a ceremony, along the lines of a candlelight vigil, to which the families of victims of traffic fatalities were invited.

The project was so successful at that time, he said, that it was restaged at the end of last year for another three weeks.

Kamakawiwoole, 52, is a native of Honolulu. A member of the Police Department for 29 years, he is currently with the agency's patrol division.



Paws for reflection

Capt. Dale Brown (l.), head of the Houston Police Department's Community Services Division, has ample reason to smile as he and his boss, Chief Lee P. Brown (r.), receive the Crime Prevention Coalition's 1987 Community Award from McGruff the Crime Dog. (See story below.)

Police pilot Steven Carlson, 29, and his partner, Glenn Brasch, 35, were flying over downtown Tucson when they saw Gagenon driving erratically. When the car swerved onto the Southern Pacific tracks, Carlson radioed to a patrol car to stop the driver.

Before the cruiser could get there, a freight train came rumbling down the tracks. Swooping down to a few feet above the ground, Carlson switched on the helicopter's powerful spotlight to alert the engineer. The train screeched to a halt just 200 yards from the car.

Gagenon, who was cited for driving under the influence of alcohol and at an unreasonable speed, called Carlson's actions "great."

It's a dog's life

Wagging his tail in Houston last month, McGruff the Crime Dog was on hand when the city received the 1987 Community Award from the Crime Prevention Coalition during the National Crime Prevention Council's "McGruff Gala."

The award, which recognized Houston for "outstanding achievements in preventing crime

and improving the quality of community life," was accepted on behalf of the city by Capt. Dale Brown, head of the Police Department's Community Services Division.

The city was cited for mobilizing substantial resources in preventing crime and "building a stronger community." Among the specific contributions noted in the award citation were the establishment of a citywide Crime Prevention Coordinating Council, a program to organize retail merchants to work with police, drug abuse and crime prevention presentations that reached some 200,000 students, and an outreach program for the city's large Hispanic population.

"We are pleased to have been instrumental in our city receiving this award for our many community-based prevention efforts," said Police Chief Lee P. Brown. "It is further proof that our programs and activities are having an impact on the quality of life in Houston."

No rush to judgment

A decision on the professional fate of Clifford Launius, an eight-year veteran of the Des Plaines, Ill., Police Department, has been postponed by the town's three-member Board of Police and Fire Commissioners until the end of January.

Launius has been in trouble with the department since last summer, when he left his post during a flood emergency to help evacuate his family from their home. The issue of discipline for the officer has divided the town.

On Aug. 14, Launius was as-

signed to desk duty, answering calls from people who needed help during the emergency. He left, however, when his wife called to tell him that water was waist high outside of their Wheeling home.

Although supporters assert that Launius asked permission from his watch commander to leave and was denied, others say he simply left his post, ignoring a command from a superior officer.

Said Alderman Margaret Wetter: "They are charged with defending the public welfare. If you let them pick up and leave when they want to, you'd have no order."

But Launius's possible dismissal — which Police Chief Joseph Kozenczak is seeking — has caused a groundswell of support for the young officer. Wearing yellow buttons proclaiming their support of Launius, residents packed an October hearing by the police and fire board, interrupting the proceedings with cheers when Launius's lawyer, Stanley Jakala, asked that all charges against his client be dropped.

Jakala argued that the department had sufficient manpower to cover for Launius during his absence. The lawyer also charged supervisors with being partial in deciding who would have to work extra shifts.

A heartbeat from the top

Former President Nixon's favorite lawman, Ho-Ho-Kus, N.J., Police Chief Robert Re may have failed in 1986 to become sheriff of Bergen County, but he got a little closer to the job this year when Sheriff-elect Robert Herb appointed him undersheriff.

Re, 56, has been with the Ho-

Ho-Kus Police Department for 32 years, and chief for the past 15 years. In his new position, he will oversee court security and the sheriff's detectives. His first priority, however, will be to "revitalize" the Identification Bureau, which has been in a state of decline. The bureau is vital to the preservation and collection of all evidence found at major crime scenes.

A graduate of Rutgers University, Re has long been associated with Bergen County Police Academy as an instructor and, currently, through the board of directors.

In 1983, Re and Herb collaborated on a DWI Strike Force which now serves as a model for other programs throughout the country. Re and Herb were nationally honored for the project.

In 1986, Re put in a bid for the sheriff's post, helped by his neighbor and sometime employer, former President Richard M. Nixon. Nixon, a resident of Bergen County, wrote a letter to the county's two top Republican officials asking them to appoint Re.

The letter surprised officials who said that Nixon had previously taken no part, either publicly or privately, in county politics.

Re has worked as a part-time security aide to Nixon since 1985, often accompanying the former President on trips to New York City and helping to organize security for Nixon's overseas trips.

Wrote Nixon of Re: "I have known Chief Re for five years. He's an outstanding law-enforcement officer and skilled administrator. I know he would serve the people of Bergen County well."

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What They Are Saying

"I get a little bit more self-worth out of giving something back to the community."

Mark Wood, a corporate security director, explaining his enrollment in the Florida Department of Law Enforcement's auxiliary special agent program. (1:5)

Forging a new look for police fitness programs

Not too many years ago, it was highly unusual for a police department to pay much attention to the physical fitness of its officers.



Burden's Beat

Ordway P. Burden

They could grow ample pots, gasp for breath at the slightest exertion or be unable to touch their toes, but nobody really cared as long as they showed up regularly for duty.

That's changing rapidly. Scores of progressive police agencies now offer regular fitness programs and encourage officers to participate in them. Many of these programs were developed with the aid of the Institute for Aerobics Research in Dallas, the acknowledged master in the police fitness field. Dr. Thomas Collingwood of the institute's staff recalled: "I can remember when we first started offering training courses around 10 years ago with the International Association of Chiefs of Police. We'd ask an audience of maybe 30 or 40 police executives, 'Do you have any kind of fitness program going in your department?' and not one hand would be raised. Today we'll get 15 or 20 hands."

The institute has trained more than 3,000 police officers as police physical fitness "coordinators" — officers who are prepared to assess a fellow cop's overall fitness and recommend exercises to correct problems. The institute has set up programs for such Federal agencies as the Drug Enforcement Administration, Secret Service, FBI, Marshals Service and Customs Service, as well as for many municipal departments and state police.

Among those agencies is the



The author joins New York City Police Commissioner Benjamin Ward (c.) and Sgt. Albert Gotay, commanding officer of the Police Academy's Physical Education Unit, during a tour of the academy's police fitness facility.

New York City Police Department, which is currently spreading the fitness gospel at its Police Academy. The department soon will open six satellite fitness centers in precincts around the city. At present, officers who want to undertake a fitness program can come to the Police Academy's center during a four-hour period each day. The rest of the time the facility is used to train police recruits.

When the satellite centers are opened (the first will be in the 43rd Precinct in the Bronx), officers will be able to use the nearest one during their off-duty hours. Each of the satellite locations will have a police officer who has been trained as a physical fitness leader. The leaders will

have had a week of special training with Sgt. Albert Gotay, commanding officer of the Physical Education Unit at the Police Academy, and his 30-plus member staff. They will also have had a 40-hour advanced course at John Jay College of Criminal Justice.

The satellite fitness centers will be refurbished storage rooms, office spaces and old gymnasiums in precinct houses. When they are fully equipped, each will have a Universal bench-press machine, chinning bar, dumbbells and barbells, jump ropes, mats, exercise bicycle, rowing machine and other gear.

A police officer who wants to improve fitness must first get a

medical examination. Then the center's physical fitness leader gives him or her a fitness assessment, which is a series of tests for cardiovascular endurance, muscular endurance, muscular strength, flexibility and body composition.

Sergeant Gotay describes the process from that point. "The leader then sits down with the officer and says, 'What do you want to do?' Based on the results of the fitness assessment and the desires of the individual, the leader makes an exercise prescription."

The prescription is a program of workouts designed to meet the officer's needs and desires for fitness. The officer's performance is monitored closely by the leader during the first few workouts and later on an as-needed basis, Gotay said.

The NYPD's fitness program was mandated several years ago by Commissioner Benjamin Ward. (I had the pleasure of touring the Police Academy's fitness center with Commissioner Ward, at which time he received the Distinguished Service Award of the Law Enforcement Assistance Foundation LEAF, of which I am president, helped to fund one of the satellite fitness centers, in Manhattan's 19th Precinct, so I have more than a passing interest in the program.)

Fitness is important for police, Sergeant Gotay said, because "all studies have shown that the police officer who is physically fit has better performance on the job and is out sick less often. We think our program will be very cost-effective." But, he added, the Police Department has no way of knowing how many officers will take advantage of it. "We hope that we will be able to assess the amount of interest in the program in 1988," he said. "Then headquarters will have to decide where it will go."

As in New York, there has been increasing recognition in many cities of the importance of fitness for police, said Dr. Collingwood of the Institute for Aerobics Research. "Also," he said, "there is now a consensus as to what physical fitness is and what kinds of things need to be done to achieve it."

Gone are the days when police gyms were primarily weight-training rooms. Today they are fitness centers, with much broader and much sounder programs aimed at all-around fitness.

Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood P.O., NJ 07675.

Sicilian Mafia gets hit hard as first 'maxi-trial' finds 338 guilty

The Mafia was dealt a major blow in Palermo, Sicily, last month when a jury hearing the largest Mafia trial in history convicted 338 of 452 defendants who were accused of running a vast criminal conspiracy financed largely through heroin trafficking into the United States.

The so-called "maxi-trial" marked the first time in Sicily that the Mafia had been put on trial as a single, unified organization with its own leadership. The trial cost the Italian Government approximately \$90 million, including \$18 million to build a maximum security courtroom especially for this trial plus the cost of maintaining a cohort of 3,500 police officers to guard the proceedings.

"This is a demonstration that the state, when it wants to, can constrain citizens to obey the



Italian police guard the Mafiosi who were locked in cages that ringed the maximum-security courtroom during their trial.

law," said Assistant Judge Pietro Grasso.

The key evidence in the case came from the testimony of two informers, Tomasso Buscetta and Salvatore Contorno. Buscetta, the first Mafia boss to break the

omerta, or Sicilian code of silence, described the Mafia as a hierarchical organization with a precise decision-making process.

According to Buscetta, who has also testified at organized-crime

Continued on Page 7

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'Lax' Federal gun-control laws blasted by DA

Loose Federal gun laws are to blame for the easy circumvention by criminals of tougher state and local firearms regulations, the Bronx, N.Y., District Attorney charged last month after winning a 221-count indictment against a man allegedly involved in a scheme to resell handguns he purchased legally as a Federally licensed dealer.

David Taylor, 35, had used "the laxity of the Federal gun laws" to arrange for C.O.D. shipments of handguns to his apartment, said the prosecutor, Paul T. Gentile.

According to United Parcel Service records, nearly 1,000 guns were shipped to Taylor's Bronx apartment in October. He was arrested the following month when two detectives, posing as UPS deliverymen, accepted \$7,000 in

cash from him for a quantity of guns.

Investigators found some 112 handguns at Taylor's residence. The weapons, said Gentile, ranged from small, easily concealed pistols to larger, more sophisticated 9-millimeter semi-automatics. Also discovered was a revolver in a vise that was in the process of having its serial number removed.

Charged with 221 counts of violating New York State's gun laws, Taylor faces up to seven years in prison if convicted of the specific offense of possessing unregistered guns with intent to sell.

The prosecutor said that most of the weapons purchased by Taylor "have disappeared into the back alleys and the streets of

the Bronx, if not elsewhere."

Although Taylor has at least one nonfelony drug conviction on his record, he was able to obtain a Federal gun license. Under the Federal Gun Control Act of 1968, anyone with \$30 and a record free of felony convictions can acquire a license through the Bureau of Alcohol, Tobacco and Firearms (ATF) that would permit the purchase of firearms through the mail.

According to Treasury Department records, a license was issued to Taylor allowing him to purchase firearms from July 10, 1986, through August 1989. Taylor stated on the application that he needed the firearms for his business, which he listed as a "dry-cleaning concern that operated from 12 A.M. to 4 A.M."

There was no name given for his business, said Gentile.

Federal permits, the District Attorney said, are handled "entirely by mail with virtually no background check or face-to-face confrontation with the individual obtaining the license to purchase the guns."

Despite Gentile's placing the blame on Federal policies, Robert Creighton, the special agent in charge of ATF's New York office, said the incident was caused by the great demand for illegal guns in the city and the money to be made by providing them.

"People go forward and violate any number of laws toward that aim," he told Law Enforcement News. "In this case, [Taylor] chose to get a Federal license and go forward and not only violate

Federal law but state law. And then he did not get the state license to go along with it."

Although Taylor was investigated by ATF before being issued a permit, said Creighton, the inquiry revealed that Taylor, although arrested a number of times, had never been convicted of a felony.

"The law that Congress passed says that the fact you've been arrested does not preclude you from having a Federal license," he said. "I will agree there is an area of concern that an individual will get a Federal license and then violate state law."

It is not possible to refuse someone a license, said Creighton, because he doesn't have a store. "The question came up with Mr.

Continued on Page 7

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Drug profile is focus of Georgia controversy

Continued from Page 1

all the officers found was a videotape explaining the investigators' mission and showing the rental car being vacuumed to prove it was free of any drug residue that might have been left by a previous customer.

Samuel filed charges on behalf of the investigators, but dropped the case last year after obtaining the profile and other documents regarding Operation Pipeline.

According to Samuel, the guidelines cite numerous characteristics of drug couriers, including make of car and point of origin — particularly southern Florida. "It could be a large, late model car with a large trunk, air shocks, black-out glass and radar detectors," he said. The car could also be heavily loaded and have a lot of radio antennas, or may be driven erratically.

Two or more vehicles running in

tandem is also listed as a characteristic, as is a vehicle that comes from a known source city, bears rental tags or has a loose or wired tag.

Drug couriers may also wear a lot of gold, Samuel said, reading from the outline. Occupants, he said, may not seem to "fit" the vehicle. They may also take a long time to stop when asked to pull over, acting nervous or drugged.

The Nose Knows

The smell of marijuana in the car is also listed as a characteristic. "Pretty good tipoff, isn't it?" Samuel smirked.

Other traits attributed by the profile to drug traffickers include internal inconsistencies in the stories of the driver and occupant, a missing trunk key, the smell of fabric softener or air freshener in the car.

Through testimony taken for his lawsuit, Samuel also learned

that certain ethnic groups, especially Hispanics, were considered suspect. McDonald's wrappers in the car, he said, were also considered a tipoff, as were blankets, pillows and luggage in the back seat.

"The wrappers indicate you are in such a hurry you can't even stop and eat," Samuel told LEN. The blankets and pillows, he said, indicate that the occupants have been sleeping in the car, while the luggage in the back means there is no room in the trunk because it is packed with drugs.

'Beyond a Ticket'

A spokesman for the State Patrol denies that the drug-courier profile is used to stop drivers. Sgt. Terry McAfee told LEN that when it comes to spotting drug runners, troopers are taught "to look beyond a ticket."

McAfee conceded that troopers

are trained to look for certain characteristics, but emphatically denied the use of any sort of "profile" for this purpose.

Countered Samuel: "They produced the profile for us in discovery, so they couldn't possibly claim there is no such thing. We have a dispute as to what it is used for, but there certainly is one. We have their manuals, the training materials, the outline. They may call it drug courier characteristics or anything else, but there certainly is a profile."

Samuel said it would be all right if everyone pulled over were a drug courier, but that appears not to be the case. "I get calls all the time from people who know about the lawsuit," Samuel said. "The

question is, when does the police officer start thinking about them — after he has legitimately pulled them over or before he legitimately pulls them over?"

In one recent appellate case, a man's cocaine conviction was overturned on the grounds that police had no reason to stop him other than that he fit the drug-courier profile. Judge Thomas Clark of the U.S. Court of Appeals for the 11th Circuit said that the man had been stopped in a car "that was obeying the speed limit, that was being driven cautiously, and that was from out of state."

During the tourist season in Florida, Clark wrote, "that description likely describes a high percentage of cars on I-95."

Mob justice:

Sicily mobsters found guilty

Continued from Page 5

trials in New York, a 12-man commission settled clashes between rival clans and ordered major crimes. The commission's chief was Michele Greco, known as the Pope because of his position atop the Mafia hierarchy, Buscetta alleged.

Greco was one of 19 defendants, all top Mafia leaders and their henchmen, who received the maximum penalty of life imprisonment. He was found guilty of ordering the assassinations of 78 men, including a number of important government officials.

Most of the crimes cited by prosecutors occurred in the early 1980's, when the Sicilian Mafia supplied an estimated 50 percent

of the heroin reaching the East Coast of the United States.

Although the jury did not go along with all of the prosecution's sentencing requests, defense attorney Santi Mocciaro called the verdict "very, very tough."

The sentencing of Ignazio Salvo, a wealthy financier described in testimony as a link between the Mafia and Sicily's business and political elite, was said to have been a tip off as to the jury's intentions. Salvo was sentenced to seven years in prison for criminal conspiracy.

The prosecution had asked for life terms for 28 defendants and lengthy prison sentences for all others. The two men and four women of the jury voted life

terms for 19 defendants plus a total of 2,665 years in jail and \$10 million in fines for the others. Of the 114 defendants declared innocent, nearly half were those against whom prosecutors did not seek guilty verdicts.

Reaction to the verdict among Sicilian officials was said to have been subdued, a testimony to the fact that the Mafia is still alive and well on the island. Within hours of the sentencing, one of those declared innocent, Antonino Ciulla, was murdered immediately after being released from custody.

[For more information on the Mafia maxi-trials, see the LEN interview with Sicilian magistrate Dr. Aldo Grossi, Oct. 28, 1986.]

DA, ATF clash on effectiveness of US gun laws in wake of 1,000-gun bust

Continued from Page 6

Taylor that his hours were unusual. Well, Congress has not said that we have a right to refuse someone because his hours are different."

Some of the guns resold by Taylor may yet be recovered by law-enforcement officers, he said, but the situation is similar to that of narcotics trafficking. "When we get someone that we know has been distributing on a large scale, as Taylor was with firearms, though [the contraband] may not be recovered, the good news is we've shut him down."

The bad news, however, is that there is still extensive gun dealing taking place in New York City. "The problem we have," said Creighton, "is that the majority of illegal firearms coming into New York are in fact brought in not by people who choose to get a Federal license but by those who have no license."

Guns could be bought cheaply and legally in another state, with less restrictive gun laws — such as Florida or Georgia — and smuggled into the city. "Once

you get a Federal license of course it is easier. You could get legitimate distributors to ship into you from out of state," said Creighton.

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"Are you OK to drive?"

"What's a few beers?"

"Did you have too much to drink?"

"I'm perfectly fine."

"Are you in any shape to drive?"

"I've never felt better."

"I think you've had a few too many."

"You kiddin, I can drive
with my eyes closed."

"You've had too much to drink,
let me drive."

"Nobody drives my car but me."

"Are you OK to drive?"

"Who? a few beers?"

**DRINKING AND DRIVING
CAN KILL A FRIENDSHIP**

U.S. Department of Transportation



Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers.

Decoy no more

"While the Manhattan district attorney is investigating allegedly questionable arrests by the 28-member subway decoy unit, Transit Authority brass have put the entire decoy operation on ice. Yet haven't these subterranean anticrime operations proved to be a genuine deterrent to crime? Is that Nikon-laden Asian tourist sitting all by his lonesome ripe for the mugging? Or a cleverly disguised member of the much-decorated decoy unit who's wired to a backup team of TA cops? As long as the decoy-cop unit was in business, criminals never knew for sure. Now, with the unit publicly defrocked, they do. The TA has reassigned the officers under investigation. Fine. But why suspend the entire decoy operation? Sounds like administrative overkill."

— *New York Newsday*
Dec. 9, 1987

Important holiday message

"'Tis the season to be jolly. . . ' So the song goes, but holiday cheer can be lethal when it comes out of a bottle. Ask Mesa Police Chief Leonard Kotsur. This once robust, athletic man went to court last week to testify at the trial of Thomas Freeland. He gave his testimony from the wheelchair in which he will spend the rest of his life. Freeland, driving the car that hit Kotsur last March, had a blood-alcohol level of 0.20 — twice the legal limit of intoxication in Arizona. Freeland is an admitted alcoholic who has had previous drunken-driving convictions. Kotsur's injuries — a broken neck, crushed pelvis, fractured ribs, broken jaw and facial bones — might be easier to endure somehow, had they been received while rescuing a hostage or protecting defenseless citizens from murderers and thieves. But being a policeman had nothing to do with the devastating injuries that paralyzed Kotsur's body and changed his life forever. It's the senselessness of what happened that produces rage as uncontrolled as Freeland's automobile. For Kotsur is us, every man, every woman and child who, in performing the most routine tasks, are exposed to the homicidal recklessness of a drunken driver. During the holiday season, intoxicated motorists, many of them not problem drinkers under ordinary circumstances, are likely to take that one drink too many. These thoughtless people imperil Arizonans wherever they walk, ride or drive. Enjoy the holidays, but think of Len Kotsur and his family, and call a cab."

— *The Phoenix Gazette*
Dec. 15, 1987

The Ecorse Public Safety Plan

"Detroit Police will be patrolling the streets of Ecorse and Detroit firefighters will be answering the alarms under an agreement between Ecorse's court-appointed receiver, Louis Schimmel, and Detroit Mayor Coleman Young. The downriver community will pay Detroit a total of \$2 million a year for police and fire protection, effective July 1, 1988, the day after Ecorse city employee contracts expire. The proposal would save the financially-strapped community \$850,000 a year while reducing a deficit that reached nearly \$6 million. The announcement could well be a strong-arm tactic by Mr. Schimmel to wrest concessions from Ecorse unions: concessions that would save the jobs of 29 police officers and 19 firefighters. For the past year, he's encountered nothing but union resistance while attempting to restore fiscal integrity to the first Michigan city ever placed in receivership. Be that as it may, if the unions aren't prepared to match Detroit's offer, Mr. Schimmel should proceed to use whatever means are available to whip Ecorse into financial shape. Mr. Schimmel is still interested in meeting with employee unions and negotiating a give-back package. If Ecorse police and fire personnel are interested in saving their jobs, they know what to do."

— *The Detroit News*
Dec. 22, 1987

Howard Beach: judged and prejudged

"Finally, the Howard Beach case showed New York criminal justice at its best. Charles Hynes, the special prosecutor appointed by Governor Cuomo, took the case after lawyers for surviving black victims refused to let them cooperate with Queens authorities. Mr. Hynes and the jury did a superb job, notwithstanding complaints that justice had miscarried because no one was convicted of murder. A jury returns a manslaughter conviction when it finds that a defendant behaved recklessly; it convicts of second-degree murder if it finds he showed 'depraved indifference to human life.' The distinction isn't always obvious. The jury chose the lower charge conscientiously; only glib critics can say it thus devalued the black victim's life. The Howard Beach jurors spent 12 days weighing the evidence. Supreme Court Justice Thomas Demakos assertively demonstrated his concern for fairness from the outset. He accepted Mr. Hynes's argument that the defense, as well as the prosecution, must be bound by a Supreme Court decision barring challenges against prospective jurors only because of race. When an appeals court refused to intervene, a black juror was seated. Racism is hardly limited to Howard Beach or New York City. All over urban America, economic shifts, crime and disintegration of neighborhoods feed racist fears and reactions. That was the atmosphere in which the Howard Beach tragedy began. The trial ended by showing a city at its best, upholding civilized values."

— *The New York Times*
Dec. 23, 1987

Lesce:

Is gun control really the answer?

By Tony Lesce

The gun control lobby has for years presented a picture of rigorous gun-control laws as being the only answer to the crime problem in our country. This is, unfortunately, a simple answer to a complex problem.

Few crimes involve firearms. Most crimes don't involve violence. Property crimes, such as auto theft and burglary, greatly outnumber crimes against the person. It's clear that even if in some miraculous way, all firearms were to vanish overnight, the crime rate would not change much. It's important to note that the "crime rate" includes only "street crimes." The immensely profitable white-collar crimes, such as insider trading, are outside the scope of this discussion.

In locales with rigorous gun laws, such as New York City, firearms available through open sources are strictly controlled. Even BB guns are illegal in New York. However, criminals obtain weapons through a thriving black market. The result is that law-abiding citizens are theoretically disarmed, but lawbreakers are not similarly handicapped.

Proponents of tight gun control laws like to point out that criminals often procure weapons in neighboring states with looser laws. This was somewhat true until the Gun Control Act of 1968, which eliminated out-of-state purchases. What gun control advocates never explained, however, was why these neighboring states were not plagued with crime rates even higher than New York's.

Another source for illegal weapons is the black market. This involves both smuggled and stolen weapons. Many firearms are stolen in transit from the manufacturer to the distributor. A crate containing handguns, for example, might be "accidentally" dropped by the crane operator. Inevitably, some of the weapons vanish. Many turn up in the black market.

Retail outlets are prime targets. So are Army depots. There have been occasional news leaks regarding the lax security which allows theft of machine guns and even heavier armaments from military storage facilities.

We sometimes read of comparisons between our crime rate and those in Britain and Japan, countries with tight gun control laws. In those countries, crimes in general are less frequent, not only those involving firearms. When there is a need for firearms and other destructive devices, as seen in the unrest in Northern Ireland, gun control laws don't seem to impede access to either guns or explosives.

Approximately 20,000 people are murdered in the United States each year, although not all murders involve firearms. About 50,000 persons die in traffic accidents each year. The contrast between the ways we handle firearms deaths and motor vehicle deaths shows the inconsistencies in our thinking.

Nobody suggests abolishing cars because of the deaths and injuries

resulting from their use. Depending on the experts quoted, one-third to one-half of the automobile deaths involve alcohol. We tried abolishing alcohol once, but it didn't work very well.

The approach that offers the most promise, and which is in use today, is to strike at the offender and not the vehicle. Stiffer sentences for drunken drivers is one way. Revoking the licenses of chronic offenders is another.

We've had driver education for years. Such proactive programs have proven effective in reducing hazards on the roads.

It should be obvious that gun control laws can't keep weapons out of the hands of criminals. An offender facing a murder charge isn't going to be deterred by the relatively mild penalty for possession of a firearm. In practice, a weapons charge becomes a bargaining chip, a throwaway charge when negotiating a plea bargain.

It may seem strange, but gun control doesn't even work in the most tightly structured societies. The book "Improvised Weapons in American Prisons" (Loompanics Unlimited, 1985) points out that prison inmates manage to obtain or manufacture weapons inside the walls — weapons that include firearms and incendiary devices. Firearms are smuggled in through the tight security, or are improvised in the prison machine shop. Against this background, it's easy to see the futility of any weapons control laws.

A quick look at the success or failure in trying to abolish other materials gives an indication of what to expect if ever a general ban on firearms becomes law. Prohibition's failure is well documented and generally conceded by all who have studied the era. The current inability to cope with the flood of illegal drugs is an indicator of what's possible and what's not possible today.

Recent history shows that it is impossible for the Government to protect people from themselves. Despite the great dangers in acquiring a drug habit, a number of people will risk imprisonment to do it. A larger minority will experiment with illegal drugs occasionally (including such well-known public figures as Judge Douglas Ginsburg and former Arizona Gov. Bruce Babbitt).

When a majority, or even a large minority, wants to do something, laws become ineffective because enforcement is impossible. Controlling a small number of deviants by imprisonment is workable, but it is impossible to lock up a significant minority of Americans.

Contributing to the futility are two additional factors, the reasons why many otherwise law-abiding citizens will disobey gun-control laws. We rarely see these reasons in print outside the narrow gun press, but they are significant and they influence the behavior of many.

One is that many Americans view gun-control laws as an infringement on their rights. In addition to the Constitutional arguments, many feel that they should

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Tony Lesce is a firearms expert and a writer on gun-related topics.

For humankind, life is said to begin at 40. For the New York State Organized Crime Task Force, it began at 11. That's how long the agency languished from its inception in 1970 until it really got going under its second permanent director, Ronald Goldstock, in 1981. In between, it was an outfit uncertain of its mission, and operating with few resources and no permanent, politically independent director.

Under Goldstock, who came to the task force with a solid, diverse background in organized crime investigations and prosecutions, the task force has done anything but languish. Scarcely a week goes by in the state without a new report of racketeering or organized crime infiltration of one industry or another. In the last two months of 1987 alone, investigative reports turned the spotlight of public scrutiny on mob influence in the construction industry, the private carting industry and the Fulton Fish Market in New York City. And these reports are turned out concurrently with investigations

and prosecutions (usually successful) of top-level gangsters.

The success of the Organized Crime Task Force is due as much to diligence and hard work as it is to a spirit of cooperation and good will among the numerous Federal, state and local agencies with anti-racketeering jurisdiction in the state. In New York City alone, Goldstock points out, there are two U.S. Attorneys, each with his own organized crime strike force, there is the Organized Crime Control Bureau of the New York City Police Department, the rackets squads of each of the five independent, turf-conscious district attorneys, a special narcotics prosecutor, and Goldstock's own operation, among others. Without an ongoing spirit of cooperation, organized crime investigations would devolve into a chaotic blur benefiting only mobsters.

Goldstock knows well the intricacies and intrigues of New York State and City criminal justice, particularly

as it relates to organized crime. He joined the New York County (Manhattan) District Attorney's Office in 1969, fresh out of Harvard Law School, and went on to become Chief of the Rackets Bureau and Criminal Investigation Bureau. He later served as Inspector General of the U.S. Department of Labor, where he set up the first anti-racketeering unit in the agency's history.

Perhaps the systemic, systematic approach to cases works in a multi-agency jungle like New York because it works well in the Organized Crime Task Force itself. Under Goldstock, the task force has adopted an approach that combines traditional law enforcement efforts with strategic analysis and the use of a wide range of remedies and expertise. As a result, Goldstock brims with confidence for the task at hand. The last few years shine with successful efforts to tackle organized crime operations in all areas and at all levels. The future, he says, should be even brighter.

"If current law enforcement efforts continue the way they have for the past five years, the mob will be unrecognizable in the next five to ten years."

Ronald C. Goldstock

Director of the New York State Organized Crime Task Force



Goldstock is sworn in before testifying for the President's Commission on Organized Crime in 1985.

Wide World Photo

Law Enforcement News interview
by Marie Rosen

LAW ENFORCEMENT NEWS: For background purposes, what were the circumstances that led to the formation of the Organized Crime Task Force in 1970?

GOLDSTOCK: The task force was originally set up legislatively after Governor [Nelson] Rockefeller determined there was a need for centralized investigation and prosecution effort in the state. New York is structured with 62 separately elected D.A.'s, who only have jurisdiction within their individual counties. Organized crime, of course, is a phenomenon that is structured beyond county lines. So there was a perceived need to set up a statewide agency that could handle some of the organized crime problems. The mandate of the task force was to investigate and prosecute multi-county organized criminal activity, and to aid local law enforcement in its efforts against organized crime. The head of the task force is jointly appointed by the Governor and the Attorney General, and must be jointly fired, and that was done so as to make that person politically independent. In order to prosecute cases, the task force requires the consent of the district attorney and the Governor.

In early 1970, the first head of the task force began to assemble it, and shortly thereafter the Attica Prison riot broke out. There was a police and law enforcement response to it, and after the furor that was created, the Governor asked the Organized Crime Task Force to conduct the investigation of it — not because it was organ-

ized crime, obviously, but because that was the only state investigative agency that was available. That hurt the task force, and it never quite recovered. The head of the task force resigned shortly thereafter and no person was appointed as head of the task force — that is, given the permanent position — until I was in 1981. At that point, the idea was either to restructure the task force and have it do what it was originally supposed to do, or to get rid of it.

LEN: Since the agency went so long without a permanent head, did that hurt the agency's credibility and clout?

GOLDSTOCK: The agency had very low public visibility because it had very few resources and no permanent, politically independent head. The task force never did live up to its expectations or potential, and there were calls from many people within the press and law enforcement to get rid of the agency. But in 1980 or '81, the Attorney General and the Governor both determined that the agency ought to have a chance, and that it was important to New York State to have a viable, statewide anti-organized crime effort. So I was recruited independently by each of them and given the opportunity, with increased legislative funding, of developing a structure and operational approach for the task force.

LEN: Were there any other agencies in the state that were either openly or secretly jealous of this, who might have preferred that organized crime investigations remain in their hands?

GOLDSTOCK: Well, in 1970 there was concern by a number of D.A.'s that the task force would encroach upon their independent authority, and that is why a compromise was reached for the task force to be able to investigate without the D.A.'s consent, but prosecute only with the consent of the affected D.A. and the Governor.

The big picture

LEN: Are there areas of overlapping jurisdiction between the task force and local district attorneys or other agencies?

GOLDSTOCK: The advantage I had in restructuring the task force was, in effect, to begin anew, and we developed a structure that was in line with the function of the agency — that is, not to become a super D.A. or another D.A. in counties where there was a major organized crime presence, but to take a statewide approach to the problem. The structure of the agency is founded on five principles. One, to investigate organized crime requires the development and implementation of strategies rather than investigating and prosecuting isolated instances of criminal activity. Secondly, in doing so, you ought to use a wide variety of remedies. Not just criminal remedies, which is normally associated with a prosecutor's office, but to use civil remedies, institutional remedies, structural remedies — whatever is appropriate in dealing with organized crime, which is, in effect, a social problem. The third principle was to use skills and disciplines which are appropriate to the task.

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“By and large, law enforcement is not accountable, since it tends to be a monopoly, and we wanted to develop some standards by which we can measure our effectiveness.”

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Not just attorneys' skills, not just investigative skills, or accounting skills, but analytic skills, loss prevention or opportunity-blocking techniques, academic approaches from historians, economists and sociologists, and industry specialists from particular fields. The fourth principle is that we are in fact a state agency, and therefore we ought not to be duplicating the efforts of local D.A.'s or Federal authorities. We ought to be taking a look at regional problems and statewide problems. Finally, we wanted to find some way of holding ourselves accountable for what we did and what we didn't do. By and large, law enforcement is not accountable, since it tends to be a monopoly, and we wanted to develop some standards by which we can measure our effectiveness.

So the structure, based upon those principles, was to divide organized crime into four major areas: energy and environment; redistribution of stolen or illicit property; financial crimes and schemes, the more traditional organized crime activities, and finally, narcotics and non-traditional organized crime groups. We then divided the state into three regions, and we set up teams of people with the skills that were required to address particular problems. Each team has an attorney, an investigator, an investigative accountant and a tactical analyst, and for each criminal activity area in each region of the state there is a team that is assigned the responsibility for dealing with the major problems in that region. Those teams have support from the support services section of the office, from a field section and from a civil enforcement section, as well as from a contingent of State Police which is assigned to work our office. Each team has to look at the problems within their region in a particular criminal activity area to determine what they're going to do — that is, to design a mission statement, figure out how they're going to do it and then implement that strategy and produce results.

LEN: There are an awful lot of agencies dealing with organized crime in the state, from the local police department up to the state Commission on Investigation. Are these people funneling information to you, or do you have to pry it from them? It still seems that there are quite a few cooks in this particular kitchen. . .

GOLDSTOCK: The New York State system is not designed for efficiency in the investigation of organized crime cases. Historically, a determination was made that district attorneys ought to be independently elected and their jurisdictions ought to be limited to a particular county. That works well for street crime, but it does not work particularly well with more complex crimes. It becomes an even more complex problem than that. For example, look at who in New York City has jurisdiction for organized crime narcotics rings: There are five separately elected district attorneys, there is the Organized Crime Task Force, there is the special narcotics prosecutor, there is the U.S. Attorney's office for the Southern District, which includes an organized crime strike force, there is the U.S. Attorney's office for the Eastern District, with a separate organized crime strike force, there is a Drug Enforcement Task Force, there is the DEA, there is the FBI, and there is the New York City Police Department. It would be difficult for anybody to claim that to be a model of efficiency. In fact,

it is only because a certain amount of good will exists within the law enforcement community that we have made as much progress as we have.

LEN: Does this institutionalized inefficiency benefit mobsters in the state?

GOLDSTOCK: Sure, but there are tradeoffs. While I think it makes sense in some cases to divide responsibility among different agencies, and to have some inefficiency, it makes sense when that is done as a matter of public policy as opposed to historical anomaly. We can be much more efficient, as was Mussolini in dealing with the Mafia the way he did, but that would be inappropriate.

There ought to be a balance, and while we're not there, perhaps an agency like ours can aid in those efforts. For example, what we do in many cases is not to compete with local district attorneys but to work with them. We hold training programs for prosecutors during the summer at Cornell University. We hold training programs for analysts throughout the state a dozen times a year. We hold training programs on technical equipment for investigators several times during the year. We have an intelligence bank which we share with prosecutors from around the state and other investigative agencies, and Federal agencies as well. In fact, many of our cases are investigated and tried jointly with the FBI, U.S. Attorney's offices and various district attorneys' offices.

Waxing and waning

LEN: Your involvement in investigating organized crime goes back some 15 years or so, to your work with the Manhattan District Attorney. Over that time, has organized crime changed much?

GOLDSTOCK: Organized crime is constantly changing. There are developing groups that come into power, there are previously ignored groups which are recognized, there are traditional groups which increase in power and decline in power. In that sense there's been a varied landscape over the last 20 years.

LEN: What structural similarities and differences have you noted between the traditional organized crime groups — the Mafia families — and the emerging groups like Oriental gangs, Colombian drug rings and so forth?

“It is only because a certain amount of good will exists within the law enforcement community that we have made as much progress as we have.”

GOLDSTOCK: The traditional type of group that most Americans think of when they think of organized crime is La Cosa Nostra, which is a group associated with and had its genesis with the Mafia in Sicily, but is not a part of that group transplanted to the United States. It's a different group that developed here and grew and became acculturated to the particular American way of life. But there have been, before that time and since then, a variety of other types of organized crime groups, and they are as diverse and unlike La Cosa Nostra as they are from each other. You can divide them into five separate categories. There are groups like La Cosa Nostra, or like the tongs, Chinese organized crime, which are related to a predecessor organization that came from a country with an illegitimate government at the time the organization developed, with no recourse to lawful authority, which was intensely nationalistic, which gained power with the support of the populace, and when it had power — as power corrupts — it became criminal. Members of the group came here in a mass migration with others from their country, settled in enclaves, didn't have recourse to local law enforcement, they developed criminal gangs which tended to prey on their own, they took over some of their social institutions and ultimately became powerful criminal groups. Vietnamese organized crime may develop in that manner.

There are other groups that are ethnic drug-based groups, which developed in ghettos, selling drugs, and have growing power and may have moved into some limited other types of criminal activity, like the numbers. Black and Hispanic drug-based groups, for example, fall into that category. There are multi-crime organized crime groups like prison gangs or motorcycle gangs. There are ethnic, multi-crime groups, like Russian organized crime groups and Israeli groups and Yugoslavian organized crime groups and Cuban groups that exist within the United States. And then there are foreign-based narcotics groups, like Colombians and

Pakistanis.

The business of crime

LEN: Some experts say that sophistication, technology and the infiltration of legal businesses have been the stepping stones for organized crime. In New York, what businesses have been penetrated by organized crime?

GOLDSTOCK: Organized crime is like any legitimate business. That is, they move into industries which are vulnerable to them and which they can derive profits from — where there is racketeering susceptibility and racketeering potential. They tend to be construction and service industries to a large extent: the construction industry, the garment industry, the waterfront, the airports, the fish market, etc.

LEN: How does the money move around?

GOLDSTOCK: The money within organized crime is an interesting thing. Most people have thought of organized crime — and wrongly so — as a corporation, with decision-makers and central policy people at the top and employees on the bottom. In fact, there are some texts which will show organizational charts and compare it to, say, General Motors. Traditional organized crime groups are precisely the opposite of a corporation. In a corporation, the top figures make policy, make strategic decisions as to where to expand and where to develop, and their decisions are carried out by their underlings at various levels, whom they pay to pursue their strategies, and the profits are given to the corporation and ultimately distributed to the shareholders. Cosa Nostra families operate differently. The lowest levels, the soldiers, are entrepreneurs who design their own criminal activities. They belong to the organization because the organization provides them with ancillary services, resolves disputes among competing interests, gives them access to other markets, provides them with corruption capability, with muscle and financing. As a result, it is the individuals on the lower levels who make the decisions, and their profits are kept by them, with a percentage moving up through the middle management people and ultimately to the bosses of the operation.

LEN: In terms of mob involvement in legitimate businesses, can one trace a distinct link among, say,

drugs, money laundering through legitimate businesses and public corruption?

GOLDSTOCK: Obviously, organized criminal activity produces an income, and the income is only worth something if it can be put into usable form. That means that it has to be money that can't be traced, and that it has to be money that can be accounted for in terms of IRS actions. So money laundering has taken on added significance within organized crime. It puts the bills in usable form for starters. If an organized crime figure makes his money from the numbers racket, in which one-dollar bills are used, he can't be walking around with a thousand one-dollar bills in his pocket. He has to have some way of changing it, say, into hundreds. He also has to have a legitimate source of income, because if you're spending \$200 a day, you have to show an income of \$200 a day. So the money launderer assumes a larger significance as law enforcement becomes more sophisticated. And the more sophisticated money launderers have been, the more they have gotten into legitimate financial institutions — banking institutions, off-shore banks, etc. There's also another need for money-laundering, and that is that very often illicit commodities come from abroad, and so payment for the product, and the profits, have to be sent out of the country.

LEN: A report out of Milwaukee said that when Mafia boss Frank Balistreri was arrested a few years ago, his sons were angry that \$200,000 in mob money had been kept in a safe instead of being invested. That begs the question of whether organized crime groups channel any of their money into the stock market.

GOLDSTOCK: Organized crime is no different in many ways from legitimate people who have money. Some people will put it in the stock market, some people will put it under their mattresses. Some organized crime figures are educated, some are financially adept, some

Interview: Mob-buster Ronald Goldstock

are throwbacks to other generations. And the same way that the general population treats its money in different ways, so do organized crime figures. There's a wonderful story of one well-known, upper-echelon organized crime figure who lent money at usurious rates of interest to a bookmaker. The money was transferred in a shopping bag, wrapped in newspapers, and when the money was brought to the bookie's place of business and unwrapped, the bookie started to laugh because the newspapers were 20 years old. It suggested that the money had been stored in a closet for that period of time, not only not earning interest but serving no purpose for the individual. That is as typical of an organized crime figure as one who invests the money. But in terms of investing the money, say through a stock broker, that is just another issue of lack of sophistication. If the stock broker is held responsible and accountable for not asking where the money came from, then the organized crime figure finds another way of transferring the money into usable form. He'll just go to the stock broker and say "Take this cashier's check and invest it for me."

LEN: What if you arrest and prosecute this criminal, and apply civil RICO provisions, and you find he has put, say, half a million dollars in a particular stock. Those assets are seized. What then happens to that particular stock?

GOLDSTOCK: That's real complicated. It depends what statute you're operating under, and what you consider to be the criminal enterprise. The answer basically is that there are modern forfeiture statutes, both civil and criminal, which can be used to deprive an organized crime figure of his profits — indeed, sometimes more than the profits — and that money will either, depending on the particular statute, go to the government or investigating authority or sometimes to a drug abuse program.

LEN: In a recent talk to the International Association of Chiefs of Police, Deputy U.S. Attorney General Arnold Burns said that drug traffickers are reaping \$100 billion a year in profits. If law enforcement were able to seize such a sum, what would happen to this enormous amount of money? If they were not able to, what then becomes of this money in the underground economy?

GOLDSTOCK: Well, without referring specifically to that estimate, I think it's fair to say that most estimates of organized crime income cannot be substantiated. Even the President's Commission on Organized Crime, which had hired Wharton Econometrics to do a study of organized crime, is viewed as well off the mark. It's a particularly difficult problem for many reasons, but one is that people tend to throw around the terms "organized crime" and "drug cartels" very loosely, without knowing what they mean by it.

Tainted construction

LEN: Your agency issued a report, which was held back under court order, describing organized crime's influence in the construction industry in New York. As a result of this study, Governor Cuomo reportedly proposed the creation of a new agency, with investigative and subpoena powers, to look into construction industry corruption in the same way that the Waterfront Commission does for the shipping trade in New York. How might this new agency be different from your own?

GOLDSTOCK: It's very complicated as to what the Governor's recommendations are and why. But let me say that I am absolutely convinced there is going to be change in the construction industry, given the commitments of the Governor and the Mayor. The Governor has been extraordinarily involved in proposing, funding and overseeing our efforts in cleaning up racketeering and corruption in the construction industry. The announcement that you're referring to was made on the 13th of November, and what the Governor suggested was to take certain steps which were consistent with the interim report of the task force, which he has seen. It's difficult for me to go into any depth because it is still under wraps. But the Governor has said that during his State of the State address he will propose an agency which is to have certain law enforcement authority, to concentrate on problems within the construction industry.

Conceptually, there are two different issues that have to be addressed in the construction industry. One is the law enforcement effort, but the other is to have an agency capable of reducing the racketeering potential and susceptibility that I referred to before, which allows the mob to become part of the industry and extract profits from it. That monitoring and regulatory agency may be able to perform in a legitimate way some of the functions that the mob now performs illegally.

LEN: Do you think the construction industry will be open and receptive to these reform efforts?

GOLDSTOCK: I suggested before that one agency might be able to reduce racketeering potential and susceptibility within the industry by performing certain functions. In order to determine precisely what those functions are, and how they can best operate effectively within the industry, it's going to take industry participation. History has shown that solutions imposed from the outside tend not to be implemented as well as those that come from within. The Governor is making a very strong attempt to bring the industry into the process of reform, and hence to make the reform successful, rather than being heavy-handed and producing

the process of developing remedies can begin. And those remedies are not just a single approach, but, as in the case of heart attacks, numerous approaches — diet, exercise, bypass surgery, what have you. So the contribution I think we have made — which unfortunately is not public — is doing the second step. We set out to discover the mechanisms by which the body — the construction industry — has been corrupted. That allows us then to take the third step of deciding on the remedies. And in order to do that, we need the cooperation of the people within the industry. In order for them to cooperate, they need to have access to the report. So in effect, by the report not being made public, that process of reform has been slowed down considerably.

LEN: When will that report be made public?

GOLDSTOCK: The Governor has said that he wants the report to be made public immediately, and would do so as soon as the Federal court allows him to. That will occur, presumably, as soon as the Salerno trial is completed, hopefully in the next month or so.

An ounce of prevention

LEN: What advice might you offer to a businessman



Goldstock (3d from right) joins other members of the New York State Law Enforcement Council in presenting Gov. Mario Cuomo (holding bat) with an award as "Most Valuable Player for 1986" following the signing of the state's Organized Crime Control Act.

headline-making solutions which ultimately will not be effective in dealing with the problem.

LEN: Some critics would suggest that you could give any streetwise kid a few dollars and he'd tell you that there is corruption within the construction industry. Why did it require the effort of a special task force to reach that conclusion?

GOLDSTOCK: That's true. Any person who lived in New York and who was familiar with construction practices would know that. We approached our problem somewhat differently. When a medical profession looks at a problem, like a disease, there are really three steps they take in trying to resolve it. First is recognizing the symptoms. That is to say, in the case of heart attacks, for instance, the pains and what occurs thereafter. That has been done before for the construction industry. We know that there have been corrupt acts and there have been people prosecuted for them. That is, in effect, what you would get if you paid some street kid fifty bucks for information. But as in medicine, there is a second step before finding the solutions. You have to find the mechanisms by which the body is corrupted. Why there are heart attacks — not just the fact that there are pains, but what are the chemical reactions that occur within the body, what produces hardening of the arteries, what causes a lack of blood to get to the heart, and what is the physiology of the attack itself. Once that is known, then

who wanted to prevent organized crime from infiltrating his operation?

GOLDSTOCK: It depends on the particular business. As I suggested before, the main thrust of the task force is to take a look at organized crime as a series of social problems and design remedies which are specific to the particular problem. The problem varies from industry to industry and business to business, and one mistake that law enforcement has made in the past has been to devise a single remedy and use it in all instances. The single remedy for a long time has been prosecution, and we found out that that has not worked. But similarly, a single civil remedy is not effective against all organized crime problems, the way a single medicine is not effective against all diseases. So what is essential is to look at each industry, analyze it, determine why it is vulnerable to organized crime, and how organized crime is able to extract profits from it. Then you can decide remedies to reduce that susceptibility and potential. We are in the process of doing so, obviously, for the construction industry. We have also done precisely the same thing for the private carting industry. We have worked with economists for the Rand Corporation in doing that, and we will shortly produce a report that suggests structural changes that can be made to reduce the anti-

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Goldstock: "No time like the present"

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competitive nature of the carting industry and organized crime's influence within it.

LEN: Federal authorities are currently seeking to place the Teamsters union under Government control as a way of tackling alleged corruption in the union. Are there any plans in New York to use the state RICO law to take over a business or union?

GOLDSTOCK: The question of union receivership and trusteeship is a very interesting one. It was first done with Local 560 in New Jersey, and since that time other locals have also been put into receivership. I should point out, though, that the method by which they were put into receivership and the type of receivership has been different with different unions. But that is not a panacea. All unions that are the subject of investigation, and where the officers are found to be corrupt, do not need to be put into receiverships. For example, the United Mine Workers had a president, Tony Boyle, who was convicted of criminal activity, and with his replacement the problem was solved. It is only those unions which have been held captive for a period of time, and where democratic processes have not existed or have atrophied, that the receivership ought to be used. Given that as the basis, the Teamsters International is probably an appropriate one for receivership. If there are similar unions which are the subject of local investigation, then it is probably appropriate that local and state prosecutors ask the courts to do the same.

LEN: Any plans by your agency to do so?

GOLDSTOCK: In appropriate circumstances, yes. It depends upon the applicability of the laws under which we operate. One of the things that we try to do as an agency is to take advantage of the most appropriate forum, either criminal or civil, for remedial action. So it depends on the particular case.

LEN: Are the civil and criminal provisions of the RICO law designed to work hand-in-hand as a way of bringing a complete caae againat organized crime?

GOLDSTOCK: The RICO statute was designed to have the civil aspect and the criminal aspect work together. Before I talked about the fact that prosecutors traditionally only use criminal remedies to deal with a social problem, rather than all remedies that are appropriate. This problem existed on the Federal level, and it was quite easy to see why. Within the Justice Department, there are divisions, including a Civil Division and a Criminal Division. That was fine if somebody was suing the Government; it was handled by the Civil Division. Or if there was a murder on a Government reservation, it would go to the Criminal Division. But what happened when you were dealing with a problem of anti-trust that was neither criminal nor civil? It was a problem against which a variety of remedies ought to be used. So the Anti-Trust Division was created. What about civil rights? That was another problem, so the Civil Rights Division was set up. Organized crime was put into the Criminal Division, so only criminal remedies were used.

The individual who designed RICO — Professor G. Robert Blakey, who's now with the law faculty at Notre Dame — was aware of that problem. What he did, very cleverly, was to design a statute which would be used by the Criminal Division, but would have within it civil remedies. It took the Criminal Division of the Justice Department 10 years to understand that, but once they did see the potential for RICO, within the last four or five years, they made great headway. What is left, however, for prosecuting agents, for those who are given the responsibility for controlling organized crime, is to not just use RICO as a method of investigating and prosecuting criminal syndicates, or to even put unions in receivership or to dismantle criminal businesses. Rather, they must understand how industries operate and use RICO as one of the means to restructure the industries, so that other racketeers don't move in and take over.

LEN: Can all this mean greater Government control over businessea?

GOLDSTOCK: It need not lead to that. What it should mean is that the Government, for a period of time, ought

to be the catalyst for reform in the business, so that democratic processes and the marketplace prevail. The alternative is not non-interference. It is mob control.

LEN: How can the Government assume temporary control of a business or union, and then extricate itself without leaving the door open for another, more sophisticated organized crime operation to enter the picture and re-assert control of the business or union?

GOLDSTOCK: No one's suggesting that organized crime is going to be eliminated. I think the best that we can hope for is that it can be controlled. On the other hand, the Government can play an important role in reducing the amount of organized crime influence or control over industries, by aiding in the restructuring efforts. If those efforts are successful, it would mean that it's less likely in the future that racketeers would be able to make significant inroads in those industries.

LEN: Given the length of time that it takes to bring a civil RICO action into the courts and then to fruition, could that not give organized crime figures enough time to hide or protect their assets?

GOLDSTOCK: Actually, any type of civil case could, from the time of filing to the time of disposition, give sufficient time for anybody to hide assets. So there are

"It took the Criminal Division of the Justice Department 10 years to understand [RICO], but once they did see the potential, within the last four or five years, they made great headway."

many provisions now within civil statutes to allow for attachment and liens to take place prior to the actual filing or disposition of the case.

Tough times for mobsters

LEN: In December of 1985, you told LEN that it had been "a good year for law enforcement and a bad year for organized crime." How would you assess the two years since then?

GOLDSTOCK: The past couple of years have been very bad for the Cosa Nostra throughout the country, both because of law enforcement activities on one hand and because internally they have been weakening on the other. There have been small successes — the acquittal of John Gotti and a couple other cases, for example — which gave some people a small degree of hope that at least one of them has not succumbed to law enforcement. But Gotti is the subject of another grand jury investigation, as reported in various media, and anybody who occupies a position that is that powerful and that public is not likely to survive.

LEN: In a published version of a wiretap recording, Gotti is quoted as saying that he wanted to build a criminal empire that the Government couldn't topple. Is that feasible, or is it just so much lip service from a "wise guy"?

GOLDSTOCK: It is never possible to create an empire that the Government could not topple. It was possible for a long period of time when the Government was not

proactive and the Government didn't have the appropriate tools, and when the organization remained secret and well disciplined. But at the present time, if law enforcement keeps up its current efforts and its aggressiveness, it's not likely that any organization could maintain its power over a substantial period of time.

LEN: How would you size up the current strength and position of the mob vis-a-vis its strength in other periods where there also was a flurry of governmental activity against organized crime — say, during the era of the Kefauver and McClellan investigating committees in the 50's?

GOLDSTOCK: There never was a period of time like the present in terms of law enforcement activity against the mob. There were periods of time in which the Government took an interest in mob activity, and had commissions like Kefauver and McClellan. There may have been particular individuals in a position of prosecutorial power, like Dewey and Hogan, who took on the mob, but never to the extent that it is true today. That has to do more with the sophisticated legal tools, both procedural and substantive, that exist on the Federal level and in many states today, as well as media attention on the mob, which has lasted over a period of time, a public attitude which is no longer looking up to mob figures as sympathetic and perhaps folk heroes, but more as parasites on society. There's also at this time internal problems within the mob which never existed before.

LEN: Going back to 1985 once again, you told us that the efforts in New York to investigate and prosecute top organized crime officials represented "the beginning of the end of the mob." Do you still feel that way?

GOLDSTOCK: If current law enforcement efforts continue the way they have for the past five years, the mob will be unrecognizable in the next five to ten years.

LEN: Will we ever reach "the end"?

GOLDSTOCK: Well, what I'm talking about is not organized crime; I'm talking about the Cosa Nostra. There are many other groups that comprise the phenomenon we refer to as organized crime, and there are many types of criminal activity which we refer to as organized crime. Those, by and large, have not been diminished. We have so far failed to address the underlying structural flaws within particular industries which invite corruption and racketeering, and that is a major challenge for law enforcement in the next decade. We also have to continue dealing with traditional organized crime, but also pay a great deal of attention to non-traditional groups which are involved in drug activity and other predatory type crimes.

LEN: What about the argument that there will always be opportunistic groups of criminals ready to step in and take over rackets from others who have been imprisoned and perhaps stripped of their illicit gains?

GOLDSTOCK: There will be criminals who are looking to make a buck. The challenge for law enforcement is to insure that they don't develop into syndicates which have the power and strength to thwart law enforcement efforts against them.

LEN: What preventive measures can be taken to avert the "ayndication" of criminal groups?

GOLDSTOCK: There are several types of things that can be done. One is to have structural reform within industries which invite corruption and racketeering and provide a basis around which organized crime groups form and develop. The other is to pay a great deal of attention to the gathering of intelligence to identify groups as they are forming and move in while they're vulnerable, and use statutes like RICO, which are specifically designed to deal with syndicates, so that we eliminate the entire group rather than just fighting a war of attrition against individuals within the group.

Criminal Justice Library

We read and review:

Veteran military man looks at SWAT teams

SWAT Training and Employment.

By Steven Mattoon.

Boulder, Colo.: Paladin Press, 1987.

By Robert J. Loudon
John Jay College of
Criminal Justice

There continues to be a need for efficient and effective tactical capabilities in law enforcement today. Good tactical teams often perform so well that the job looks easier than it really is. The casual observer may not realize the ef-

fort required to maximize performance.

Steven Mattoon's new training manual offers a positive contribution to the field, and a serious student of Special Weapons and Tactics can benefit from the book's basic yet comprehensive style of presentation.

I am not a SWAT person, but neither am I merely a casual observer of the craft. My 21 years with the New York City Police Department, including 13 years as a hostage negotiator and six as commanding officer of the Hostage Negotiating Team, placed me in a close working rela-

tionship with the NYPD version of SWAT, the Emergency Service Unit. They are good at what they do.

That brief personal introduction of this reviewer bears directly on my first negative impression of this book. We are told little about the author. A call to the publisher readily amplified the few remarks offered in the book's preface. Mattoon spent more than 20 years in the U.S. Army, including six with a Ranger battalion. He was in on the formation of the first Army SWAT teams and has worked with a variety of military units and civilian police

agencies in the area of SWAT operations. The purchaser and reader has a right to know the author so as to better judge the value of what is written. Mattoon's credentials in this field are impressive and should have been stated.

The book also earns a demerit for what may be generally referred to as the differences between military operations and domestic police operations. Although I have learned that the basic tactical "drill" is the same, there are legal and political considerations that distinguish one from the other. To approach this important distinction by means of the simplistic statement, "Politicians, however, will normally make winning-vote decisions instead of sound tactical ones," is a disservice to local, state and Federal law enforcement commanders who make sound tactical decisions daily within the context of their legal and political realities. Similarly, some of the suggested tactics — particularly those involving "return fire," "fire in the general direction of the suspect" and

"line of compromised authority" — are probably much more appropriate to military operations than they will ever be to civilian law enforcement.

Further exception may be taken to Mattoon's observation that "a mentally disturbed suspect or homeowner with a handgun or rifle, although potentially dangerous, would not require the same planning and skills as...terrorist[s]." Although the police may experience a terrorist incident, they *will* experience the mentally disturbed and criminal individual. All adversaries should be taken seriously. They are potential killers of innocent victims and police alike, and operational preparation should be quite similar if not altogether identical.

On the whole, however, readers of this manual will benefit from the experiences of the author and his method of conveying information. This reviewer's suggestion, though, would be that local law and policy be incorporated into any training programs structured around this manual, so that they may be complete, balanced and legally defensible.

'Sensitizing cops' to the reality of American life below the poverty line

Living Hungry in America.

By J. Larry Brown and
H. F. Pizer.

New York: Macmillan Publishing Co., 1987.

By Michael G. Brei
Assistant Professor
St. Cloud State University
St. Cloud, Minn.

Poverty exists in every region of this country, yet many Americans rarely encounter the poor that make up the underside of our society.

This is not the case with law enforcement personnel. Daily they observe the effects of poverty in their communities in the form of vagrants and drifters, soup lines and food banks, the homeless, food scavengers in trash bins, and the distraught and despairing who have given up hope.

In all, there are more than 32 million people in this country who fall below the poverty line. In the 1980's, Federal policies for dealing with the poor have had far-reaching consequences for law enforcement on the local level.

It is for this reason that "Living Hungry in America" is a valuable resource for law enforcement agencies. By focusing on one aspect of poverty — hunger — the authors bring to life the masses that make up the statistics on poverty in the United States. From case studies and interviews conducted with public officials, helping agencies, concerned citizens and the poor and hungry across the nation, Brown and Pizer sensitize the reader to the tragic circumstances and conditions confronting the poor on a daily basis. In the process of describing the poor, the authors expose the deceptions associated with the negative stereotypes pinned on the less fortunate in our society.

This book is a culmination of research conducted by the Physicians' Task Force on Hunger in

America, Guided by Dr. Brown, a professor in the School of Public Health at Harvard University, the committee was composed of physicians from across the country. Each of the first five chapters describes the research they conducted in different sections of the country.

For example, in Chapter 1, the task force found that half of the people served in Connecticut soup kitchens were children. In Hale County, Ala., (Chapter 2), the infant mortality rate was three times the national average and worse than that in many developing nations. In Tennessee (Chapter 3), only 25 percent of the poor were receiving welfare assistance even though 80 percent of those in poverty were women, children and the elderly. In Texas (Chapter 4), the task force found that one million people regularly go hungry, the majority of them children. Finally, in Chapter 5, the authors found 20 percent of the population of Chicago living below the poverty level, with 800,000 chronically hungry. Throughout these chapters, the authors relate numerous accounts of interviews with the people that make up these statistics.

According to the task force, there are 20 million hungry Americans, and the cause of this hunger can be directly attributed

to restrictive governmental policies. In the 1960's and 70's, food stamps and school lunch programs protected the majority of poor Americans from the devastating effects of hunger. In the 1980's, the Federal Government cut back on assistance programs, including the basic food programs, at a time when economic hardship was increasing. The task force concluded that hunger in this country is a direct result of the current political ideology that values military buildup over the welfare of less fortunate individuals. In essence, hunger is a man-made phenomenon, which can be cured by shifting priorities to adequately fund existing assistance programs.

"Living Hungry in America" is a powerful chronicle of poverty and hunger in our affluent society. The book excels by bringing poverty and hunger alive through the numerous interviews that serve to sensitize readers to the plight of the poor while destroying the negative stereotypes associated with poverty. For law enforcement personnel, this book offers a frame of reference for examining poverty based on fact rather than fantasy. Since law enforcement is a "people" business, this book can go a long way toward sensitizing officers to the reality of being poor in America.

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Jobs

Police Officers. The Las Vegas Metropolitan Police Department is currently accepting Interest Cards for the position of police officer. Testing is scheduled for March 1988.

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For additional information, write or call: Las Vegas

Metropolitan Police Department, Personnel Bureau, 300 E. Stewart, Las Vegas, NV 89101. (702) 799-3497. AA/EOE.

Deputy Sheriffs. The Cobb County, Ga., Sheriff's Department is now accepting applications for deputy positions.

Applicants must be at least 21 years old, a U.S. citizen, with a high school diploma or G.E.D., valid driver's license, honorable discharge from the military and vision at least 20/70 in each eye, correctable to 20/20. All applicants must pass a Civil Service

examination, physical agility and medical exams, psychological and polygraph exams, extensive background check and oral interview. Salary range is \$16,806.40 to \$24,897.60, depending upon qualifications and experience, plus benefits, uniforms and equipment.

To apply, or to obtain additional information, write or call: Sgt. Deborah Paul or Inv. Bobby Gordon, Cobb County Sheriff's Office, 185 Washington Ave., Marietta, GA 30090-9650. (404) 423-3616. AA/EOE.

Assistant Professor of Criminology. The University of South Florida is seeking to fill a tenure-track vacancy in its College of Social and Behavioral Sciences, beginning Aug. 8, 1988.

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Apply by Feb. 1 by writing to: Dr. Leonard Territo, Faculty Recruitment Committee, Department of Criminology, University of South Florida, Tampa, FL 33620. (813) 974-2815.

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Three guilty of homicide in NY bias-crime case

Continued from Page 3

was not sufficient evidence to convict them of murder," he told reporters after the verdict was announced, "but the defendants confessed to the fact that they were there during the attack."

The case against the four youths, based in large part on state's evidence provided by another defendant, Robert Riley, was the first of two trials stemming from the events that occurred on Dec. 20, 1986, when a gang of 12 Howard Beach teenagers attacked the three black men in front of a neighborhood pizzeria.

According to the prosecution, Griffith, Cedric Sandiford and Timothy Grimes walked into mostly white neighborhood of Howard Beach after their car had broken down on a desolate stretch of Cross Bay Boulevard. They were then confronted outside of the New Park Pizzeria, where they had gone for a snack, by a gang of 12 white teenagers, some of whom were wielding baseball bats.

Grimes testified that when confronted by the large group of teenagers, he pulled out a knife and displayed it defensively. At that point, he said, the action stopped. Then the black men began to run.

The prosecution, led by Charles J. Hynes, the state special prosecutor for the criminal justice system, contended that the blacks were chased through the streets of Howard Beach. Grimes was uninjured but Sandiford was

severely beaten with a baseball bat and an "iron object."

Griffith was beaten and chased onto the Belt Parkway, where he was struck and killed by a car as he tried to cross from the east-bound lanes to the westbound side.

In the aftermath of the verdict, Gov. Mario Cuomo joined with a number of other civic leaders in calling for the creation of a state-funded Institute on Nonviolence to help in easing racial tensions in New York City.

Expansion of 65-mph limit sneaks through

Continued from Page 1

perment will be extended. Among those who reacted in shocked tones to the measure, which President Reagan signed, Joan Claybrook, a consumer activist and former NHTSA administrator under President Carter, said that "preliminary data show that the 65-mile-an-hour limit on rural Interstates is killing people as predicted. That should have been a warning to Congress not to increase the limit from 55."

Brian O'Neill, an official of the Insurance Institute for Highway Safety, said that the increase will result in more injuries and deaths. "We will have to continue to count the casualties and point out that this is a big price to pay for getting from here to there a little faster."

Assistant Professor Positions (2)

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Assistant Professor (Law). Required: 1) Either LL.B. or J.D. from accredited law school, or, doctoral degree in law-related academic discipline, and, 2) demonstrated performance or potential to establish performance record in university-level teaching (graduate and undergraduate), research and publication in: criminal law, constitutional issues in criminal justice, criminal evidence and procedures, and the legal aspects of criminal justice management. Preferred: 1) Prior teaching experience in relevant courses, 2) prior active criminal justice experience, particularly as legal adviser, and, 3) LL.B. or J.D., membership in state bar association. Apply to: Richard R. Stevens, Ph.D., Chair, Search Committee.

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Lesce:

Of gun control and crime control

Continued from Page 8

not be penalized because a criminal minority misuses guns.

The second reason relates to survival. In high crime areas, such as New York City, many otherwise law-abiding citizens carry illegal weapons for protection. This is hard fact, no matter how shocking it may be to those who believe that the law should be

obeyed to the last letter. People who live in high-risk neighborhoods and who ride the subways face the cutting edge of reality each day, and understand the fundamental fact that it's better to survive an encounter and have to face a trial than to be buried as the victim. This is the thought behind the dictum "Better tried by 12 than carried by 6."

Gun-control laws are not new. The notorious Sullivan Law in New York dates from 1911. The crime problem has remained with us and those who think gun laws solve the problem have passed more laws through the years. We've had enough experience with gun laws to see that they haven't worked. Effective crime control must be found elsewhere.

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4-8. Sex Crimes Investigations. Presented by the Institute of Police Technology & Management. To be held in Richmond, Ky. Fee: \$375.

4-8. Hostage Negotiations. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$445.

4-16. Crime Prevention Technology & Programming. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$580.

4-June 10. School of Police Staff & Command. Presented by the Traffic Institute. Fee: \$2,000.

5-6. Realistic Assault Control. Presented by Calibre Press. To be held in Cleveland. Fee: \$195.

6-8. Progressive Patrol Administration. Presented by the International Association of Chiefs of Police. To be held in Phoenix.

6-8. DUI Standardized Sobriety Field Testing. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$225.

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7-8. Super Supervision. Presented by the International Association of Chiefs of Police. To be held in San Diego.

11-12. Auto Crime Investigations. Presented by the Criminal Justice Center, John Jay College of Criminal Justice. To be held in New York. Fee: \$150.

11-12. Executive/VIP Protection. Presented by Richard W. Kobetz & Associates Ltd. To be held in San Francisco.

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18-20. Police Personnel Management Issues. Presented by the International Association of Chiefs of Police. To be held in Charleston, S.C.

18-22. Administering the DWI Program. Presented by the Institute of Police Technology & Management. Fee: \$325.

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18-22. Sniper I: Precision Marksmanship. Presented by the Institute of Public Service. Fee: \$600.

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18-22. Planning, Design & Construction of Police Facilities. Presented by the International Association of Chiefs of Police. To be held in Washington, D.C.

18-22. Narcotics Identification. Presented by the Institute of Police Technology & Management. Fee: \$350.

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25-29. Analytical Investigation Methods.

Presented by Anacapa Sciences Inc. To be held in New Orleans. Fee: \$445.

25-29. Police Executive Development. Presented by the Institute of Police Technology & Management. To be held in St. Augustine, Fla. Fee: \$350.

25-May 6. Armed Forces Traffic Management & Accident Prevention. Presented by the Traffic Institute. Fee: \$550.

25-May 13. Command Training Program. Presented by the New England Institute of Law Enforcement Management. To be held in Wellesley, Mass.

26-27. Interviewing in Child Abuse Cases. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. To be held in Huntsville, Tex. Fee: \$150.

26-28. Investigation of Computer Fraud. Presented by the International Association of Chiefs of Police. To be held in New Orleans.

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MARCH

1. Weapon Retention. Presented by the Southern Michigan Law Enforcement Training Center. To be held in Jackson, Mich. Fee: \$40.

1-2. Application of Physical Security Systems. Presented by the University of Delaware, Division of Continuing Education. To be held in Wilmington, Del. Fee: \$390.

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10-11. Surviving as a Drug Undercover Officer. Presented by the University of Delaware, Division of Continuing Education. Fee: \$300.

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14-18. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates Inc. To be held in Overland Park, Kan. Fee: \$495.

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For further information:

Anacapa Sciences Inc., 901 Olive Street, P.O. Drawer Q, Santa Barbara, CA 93102-0519. (805) 966-6157.

Broward County Organized Crime Centre, Attn: Cmdr. William H. Dunman, Broward Sheriff's Office, P.O. Box 2505, Fort Lauderdale, FL 33303. (305) 564-0833.

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062. 1-800-323-0037.

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106. (216) 368-3308.

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. (212) 247-1600.

Criminal Justice Center Police Academy, Sam Houston State University, Box 2296, Huntsville, TX 77341.

Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box

13489, St. Petersburg, FL 33733.

Institute of Criminal Justice Studies, Southwest Texas State University, Canyon Hall, San Marcos, TX 78666-4610. (512) 245-3031.

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216.

Institute of Public Service, 601 Broad St. S.E., Gainesville, GA 30501. (800) 235-4723. (800) 633-6681 (in Georgia).

International Association for Hospital Security, P.O. Box 637, Lombard, IL 60148. (312) 953-0990.

International Association of Chiefs of Police, 13 Firstfield Road, Gaithersburg, MD 20878. (301) 948-0922; (800) 638-4085.

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292.

National Sheriffs' Association, 1450 Duke Street, Alexandria, VA 22314-3490. (703) 836-7827.

New England Institute of Law Enforcement Management, Babson College, Drawer E, Babson Park, MA 02157.

Bruce T. Olson, Ph.D., 1015 12th Street, Suite 6, Modesto, CA 95354-0811. (209) 527-2287.

Pennsylvania State University, Attn: Kathy Karchner, 410 Keller Conference Center, University Park, PA 16802. (814) 863-3551.

John E. Reid & Associates, 250 South Wacker Drive, Suite 1100, Chicago, IL 60606. (312) 876-1600.

Richard W. Kobetz and Associates, North Mountain Pines Training Center, Arcadia Manor, Route Two, Box 100, Berryville, VA 22611. (703) 955-1128 (24-hour desk).

Ross Engineering Inc., 7906 Hope

Valley Court, Adamstown, MD 21710. (301) 831-8400.

Southern Michigan Law Enforcement Training Center, Attn: Stephen Seckler, Training Coordinator, 2111 Emmons Road, Jackson, MI 49201. (517) 787-0800, ext. 326.

Southern Police Institute, Attn: Ms. Shirley Beck, University of Louisville, Louisville, KY 40292. (502) 588-6561.

Southwestern Law Enforcement Institute, P.O. Box 707, Richardson, TX 75080. (214) 690-2370.

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204.

University of Delaware, Division of Continuing Education, Attn: Jacob Haber, 2800 Pennsylvania Avenue, Wilmington, DE 19806. (302) 573-4440.

York College of Pennsylvania, Country Club Rd., York, PA 17403-3426. (717) 846-7788.

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If you picked the Cadillac (upper left), a standard drug-courier profile would probably support your guess. Find out more about these controversial guidelines, on Page 1.



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